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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,850	07/22/2003	Felix Bator	F-673	1866

7590

01/30/2006

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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,850	Applicant(s) BATOR ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/5/2005 has been entered.

Response to Amendment

Amendment received on 10/5/2005 is acknowledged and entered. Claims 4-8 have been canceled. Claims 1, 10 and 14 have been amended. Claims 1-3 and 9-14 are currently pending in the application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 and 9-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,619,544, because the patented system for dispensing postage over the Internet to any PC for printing is an obvious variation to the present application Claims.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application contains obvious variant recitations which are obvious variations of the patented invention features since both comparisons perform the same function, in the same way with the same result.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 9, 10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shah et al. (5,822,738).

Shah et al. (Shah) teaches a method and system for dispensing a postage to a remote location, comprising :

Independent Claims

Claims 1 and 14,

obtaining a meter license from the Post, said meter license being associated with a meter account assigned to the vendor, said meter account being maintained at a data center (C. 2, L. 13-17);

receiving, via the network, a transaction request for postage from a customer using the remote personal computer, said transaction request including information from the customer, said information corresponding to the transaction requested and payment method (C. 2, L. 13-17, 55-61);

processing the requested transaction by requesting the data center to create evidence of postage payment and to account for the created evidence of postage payment in the meter account assigned to the vendor (C. 2, L. 50-51);

effecting payment for the transaction based on the information received from the customer (C. 2, L. 41-42);

receiving the evidence of postage payment created by the data center; and

sending the evidence of postage payment to the remote personal computer for use by the customer (C. 2, L. 50-51).

Claim 10,

receiving a request for postage from a customer using the remote personal computer coupled to the network (C. 2, L. 13-17, 55-61);

processing the request for postage by requesting a data center to create evidence of postage payment and to account for the created evidence of postage payment in a postal account assigned to the vendor (C. 2, L. 50-51);

sending the evidence of postage payment to the remote personal computer customer via the network for use by the customer (C. 2, L. 50-51).

Dependent Claims

Claim 2. Said method further comprising: determining an origin of deposit postal code for the requested transaction (C. 5, L. 12-19; 42-44).

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Claim 3. Said method wherein the information from the customer includes a username, password and credit card information whereby a personal account is established for subsequent transactions (C. 6, L. 63 – C. 7, L. 13)

Claim 9. Said method wherein the origin of deposit postal code is included in the information from the customer (C. 3, L. 52-54).

Claims 12 and 13. Said method wherein the information to identify the customer includes a password (PIN) (C. 6, L. 63 – C. 7, L. 13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah in view of Official notice.

Dependent Claims

Claim 3. Shah teaches said method wherein the information from the customer includes a username, password (PIN) and credit information whereby a personal account is established for subsequent transactions (C. 6, L. 63 – C. 7, L. 13).

Shah does not specifically teach that said credit information includes credit card information.

Official notice is taken that it is old and well known to pay by a credit card for services rendered.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shah to include that said credit information includes credit card information, because it would advantageously allow to use a well

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known and widely used financial mechanism, thereby providing convenience to the customers.

Claim 11. Shah teaches said method wherein the evidence of postage payment includes printing a transaction report, wherein said report includes title, date, license #, register values and a validation code, said code is generated by the SMD on request, and printed at the end of the report. The code can be based on a function of the above SMD registers and the license number (C. 9, L. 36-40).

Shah does not specifically teach that said validation code is a transaction number.

However, the purpose of said validation code is uniquely identify said transaction.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shah to include that said validation code is a transaction number, because it would advantageously allow to refer to said transaction by said transaction number if it would be necessary to obtain said information for auditing purposes in the future.

Response to Arguments

Applicant's arguments with respect to Claims 1-3 and 9-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

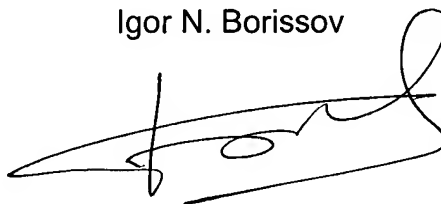
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner

Igor N. Borissov

IB
1/22/2005

A handwritten signature in black ink, appearing to be 'Igor N. Borissov', with a large loop at the end.